

UNITED STATES DISTRICT COURT DISTRICT OF SOUTH CAROLINA RICHLAND  
COUNTY DIVISION

---

BRYANTAVIOUS MURRAY, ) Plaintiff, ) ) v. ) ) LEROY CARTLEDGE, in his individual  
and ) official capacity as SCDC Correctional Officer; ) JOSEPH STEVENS, in his individual  
and ) official capacity as SCDC Correctional Officer; ) JAMES TOMPKINS, in his  
individual and ) official capacity as SCDC Correctional Officer; ) JEREMY MCCARY, in  
his individual and ) official capacity as SCDC Correctional Officer; ) RONALD COOK, in  
his individual and ) official capacity as SCDC Correctional Officer; ) GEOFFREY RICE, in  
his individual and ) official capacity as SCDC Correctional Officer; ) FRANK MUSIER, in  
his individual and ) official capacity as SCDC Correctional Officer; ) RN VERA COUNER,  
in her individual and ) official capacity as Registered Nurse; ) JOHN DOES 1-25, )  
Defendants. ) \_\_\_\_\_ )

Case No. [PENDING ASSIGNMENT]

COMBINED MOTION FOR RELIEF FROM RETALIATION AND RULE 60(b)(6)  
RELIEF FROM FINAL JUDGMENT FOR EXTRAORDINARY CIRCUMSTANCES,  
NEWLY DISCOVERED EVIDENCE, NEW FINDINGS, MENTAL HEALTH TOLL, AND  
EQUITABLE TOLLING FOR MENTAL INCAPACITY

TO THE HONORABLE COURT:

NOW COMES the Plaintiff, Bryantavious Murray, appearing pro se, pursuant to Federal  
Rule of Civil Procedure 34, Federal Rule of Civil Procedure 60(b), the First, Fourth, Eighth,  
and Fourteenth Amendments to the United States Constitution, 42 U.S.C. § 1983, and  
respectfully moves this Honorable Court for relief from retaliation for the exercise of his  
constitutionally protected rights, for equitable tolling of the statute of limitations based on  
mental incapacity, for a pause in proceedings due to mental health toll, and alternatively, for

**RECEIVED**

**May 04 2026**

**SC Court of Appeals**

relief from final judgment under Rule 60(b)(6) based on extraordinary circumstances, newly discovered evidence, and new findings. In support thereof, Plaintiff states as follows:

I. PARTIES

1. Plaintiff Bryantavious Murray is currently incarcerated by the South Carolina Department of Corrections (SCDC) and housed at Kirkland Correctional Institution. He is serving an indeterminate sentence.
2. Defendant Leroy Cartledge is an SCDC correctional officer employed at the institutions referenced herein and is sued in his individual and official capacities.
3. Defendant Joseph Stevens is an SCDC correctional officer employed at the institutions referenced herein and is sued in his individual and official capacities.
4. Defendant James Tompkins is an SCDC correctional officer employed at the institutions referenced herein and is sued in his individual and official capacities.
5. Defendant Jeremy McCary is an SCDC correctional officer employed at the institutions referenced herein and is sued in his individual and official capacities.
6. Defendant Ronald Cook is an SCDC correctional officer employed at the institutions referenced herein and is sued in his individual and official capacities.
7. Defendant Geoffrey Rice is an SCDC correctional officer employed at the institutions referenced herein and is sued in his individual and official capacities.
8. Defendant Frank Musier is an SCDC correctional officer employed at the institutions referenced herein and is sued in his individual and official capacities.
9. Defendant RN Vera Couner is a Registered Nurse employed by SCDC or its medical contractor at the institutions referenced herein and is sued in her individual and official capacities.

10. Defendants John Does 1-25 are unknown SCDC correctional officers, medical staff, and other personnel who participated in or condoned the retaliatory actions described herein.

## II. JURISDICTION AND VENUE

11. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 (federal question jurisdiction) and 28 U.S.C. § 1343 (civil rights jurisdiction).

12. This Court has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367.

13. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to the claims occurred in Richland County, South Carolina.

## III. FACTUAL BACKGROUND

### A. Protected Activity: Exercise of First Amendment Rights

14. Plaintiff has filed numerous institutional grievances and complaints protected under the First Amendment to the United States Constitution.

15. Specifically, Plaintiff filed the following grievances at various SCDC institutions:

#### A. KERSHAW CORRECTIONAL INSTITUTION (KCI):

1. KCI-0241-0507-18 - Filed June 24, 2018 and June 21, 2018 IGC: B. Williams  
Issues: Policy violation, inadequate response Requested: Investigation, remedy
2. KCI-0241-0455-18 - Filed June 3, 2018 IGC: N. Foster Issues: Missing  
headphones, property dispute Requested: Replacement, remedy
3. KCI-0241-0421-18 - Filed May 30, 2018 IGC: B. Williams Issues: Staff  
misconduct, inadequate response Requested: Investigation, remedy
4. KCI-0241-0401-18 - Filed May 29, 2018 IGC: B. Williams Issues: Medical  
care, dental referral Requested: Medical treatment, remedy

5. KCI-0241-0400-18 - Filed May 27, 2018 IGC: A. Hall Issues: Use of force, excessive force allegations Requested: Investigation, remedy Action Taken: Incident report dated 5-27-2018
6. KCI-0241-0456-18 - Filed June 14, 2018 IGC: B. Williams Issues: Missing property, commissary items Requested: Replacement, remedy

B. ALLENDALE CORRECTIONAL INSTITUTION (ACI):

7. ACI-0411-0221-18 - Filed May 14, 2018 IGC: B. Joyce Issues: Staff misconduct Requested: Investigation, remedy
8. ACI-0411-0220-18 - Filed May 11, 2018 IGC: S. Simmons Issues: Canteen issues, missing items Requested: Replacement, remedy
9. ACI-0411-0191-18 - Filed April 9, 2018 IGC: K. Strickland Issues: Staff misconduct Requested: Investigation, remedy
10. ACI-0411-0175-18 - Filed April 1, 2018 IGC: D. Dailey Issues: Illegal searches/seizures, retaliation Requested: Investigation, remedy
11. ACI-0411-0164-18 - Filed March 28, 2018 IGC: D. Dailey Issues: Staff misconduct Requested: Investigation, remedy
12. ACI-0411-0156-18 - Filed March 27, 2018 IGC: D. Dailey Issues: Classification, housing Requested: Transfer, remedy
13. ACI-0411-0137-18 - Filed March 19, 2018 IGC: B. Joyce Issues: Staff misconduct Requested: Investigation, remedy
14. ACI-0411-0138-18 - Filed March 19, 2018 IGC: D. Dailey Issues: Staff misconduct Requested: Investigation, remedy

C. LEE CORRECTIONAL INSTITUTION (LEECI):

15. LEECI-0653-18 - Referenced in ACI-0411-0175-18 Connection to retaliation claims at Lee Correctional Institution

16. These grievances constitute protected activity under the First Amendment, as the right to file prison grievances free from retaliation is clearly established. See *Booker v. South Carolina Dep't of Corr.*, 957 F.3d 554, 560 (4th Cir. 2020) (holding that “the right to file a prison grievance is a constitutionally protected activity”).

#### B. Adverse Actions

17. Following and in retaliation for filing these protected grievances, Defendants engaged

in a pattern of retaliatory conduct including but not limited to:

- a. Repeated transfers between institutions without legitimate security justification;
- b. Denial of adequate food and nutritional requirements;
- c. Denial of recreation and yard time;
- d. Interference with legal mail and correspondence;
- e. Denial of religious accommodations and programming;
- f. Failure to provide adequate mental health care;
- g. Physical abuse and use of excessive force;
- h. Destruction of personal legal materials and documents;
- i. Threats and intimidation by correctional staff;
- j. Unlawful confiscation of religious items including the Holy Quran;
- k. Deliberate indifference to serious medical needs;
- l. Inhumane conditions of confinement.

#### C. Mental Health Toll and Inability to Prosecute

18. The continuous retaliation, excessive force, denial of medical and mental health care, and inhumane conditions have caused severe and debilitating mental health deterioration.

19. Plaintiff has experienced and continues to experience:

- a. Acute anxiety and panic attacks;
- b. Severe depression and withdrawal;
- c. Insomnia and sleep disturbances;
- d. Dissociative episodes;
- e. Suicidal ideation;
- f. Post-traumatic stress symptoms;
- g. Inability to concentrate or focus on legal matters;
- h. Memory impairment affecting case preparation;
- i. Emotional distress severe enough to impair daily functioning;
- j. Symptoms consistent with “psychological torture” under [Scarver v. Litscher](#) (W.D. Wis. 2005).

20. Under [Scarver v. Litscher](#) (W.D. Wis. 2005), “The Eighth Amendment protects inmates’ mental health as well as their physical health... if the particular conditions of [confinement] being challenged are such that they inflict a serious mental illness, greatly exacerbate mental illness, or deprive inmates of their sanity, then defendants have deprived inmates of a basic necessity of human existence — indeed, they have crossed into the realm of psychological torture.”
21. Under [Richard R. Watkinson v. State of Alaska](#) (Alaska 2023), extended administrative segregation combined with procedural due process violations constitutes “extreme and outrageous conduct” capable of causing “severe emotional distress.” The court listed symptoms including “acute anxiety,” “insomnia,” “panic attacks,” “disassociation,” “severe depressive state,” and “suicidal ideation” as evidence of severe distress.

22. Plaintiff's mental health condition has rendered him incapable of effectively prosecuting this action during material periods. The mental impairment precluded Plaintiff from:
- a. Understanding the nature and effects of legal proceedings;
  - b. Transacting legal business or managing his own affairs;
  - c. Effectively communicating with counsel or preparing filings;
  - d. Meeting procedural deadlines due to incapacitating mental health episodes;
  - e. Comprehending the urgency of filing requirements.
23. Plaintiff's mental incapacity constitutes "extraordinary circumstances" warranting equitable tolling and relief under Rule 60(b)(6). See [Berman Justus, Jr. v. Harold Clarke](#) (4th Cir. 2023) (mental illness can constitute extraordinary circumstances for Rule 60(b)(6) relief and equitable tolling).
24. The temporal proximity between Plaintiff's mental health deterioration and his inability to meet filing deadlines establishes the causal connection between Defendants' conduct and Plaintiff's incapacity to prosecute.

#### D. LAST STATEMENT TO FACTS

26. Institutional Timeline and Pattern of Retaliation
- a. March 2018: Plaintiff filed his first grievances at Allendale Correctional Institution, including ACI-0411-0137-18 and ACI-0411-0138-18, both concerning staff misconduct.
  - b. March 27, 2018: Plaintiff filed ACI-0411-0156-18 requesting transfer due to staff harassment and retaliation.
  - c. March 28, 2018: Plaintiff filed ACI-0411-0164-18 regarding continued staff misconduct.

- d. April 1, 2018: Plaintiff filed ACI-0411-0175-18 alleging illegal searches, seizures, and retaliation, specifically noting harassment by officers in retaliation for previous grievances.
- e. April-May 2018: Following the filing of these grievances, Plaintiff was transferred to Kershaw Correctional Institution.
- f. May 2018: At Kershaw Correctional Institution, Defendants Leroy Cartledge, Joseph Stevens, James Tompkins, Jeremy McCary, Ronald Cook, Geoffrey Rice, Frank Musier, and other SCDC officers subjected Plaintiff to excessive force, physical abuse, and retaliation for grievances filed at prior institutions.
- g. May 27, 2018: Plaintiff filed KCI-0241-0400-18 regarding use of force and excessive force allegations, with an incident report dated May 27, 2018.
- h. May 29, 2018: Plaintiff filed KCI-0241-0401-18 requesting medical care and dental referral after being subjected to force.
- i. May 30, 2018: Plaintiff filed KCI-0241-0421-18 regarding staff misconduct and inadequate response to his grievances.
- j. June 2018: Plaintiff continued filing grievances at KCI, including KCI-0241-0455-18, KCI-0241-0456-18, and KCI-0241-0507-18, documenting ongoing retaliation, missing property, and policy violations.
- k. Post-June 2018: Plaintiff was transferred multiple times between institutions, including to Lee Correctional Institution, in a continued pattern of retaliation designed to punish him for exercising his First Amendment rights.
- l. 2023-Present: Plaintiff is currently housed at Kirkland Correctional Institution, where he continues to experience retaliation, denial of mental health care, and inhumane conditions directly related to his grievance activity.

27. Documented Use of Force and Physical Abuse

- a. On or about May 27, 2018, Defendants subjected Plaintiff to excessive force at Kershaw Correctional Institution, documented in grievance KCI-0241-0400-18.
- b. Defendants Leroy Cartledge, Joseph Stevens, James Tompkins, Jeremy McCary, Ronald Cook, Geoffrey Rice, and Frank Musier participated in or condoned the use of physical force against Plaintiff without legitimate security justification.
- c. The force used included physical assault, potentially including pepper spray exposure, physical restraints applied excessively, and other forms of corporal punishment.
- d. Under [Hudson v. McMillian](#) (U.S. 1992), the Eighth Amendment prohibits the “malicious and sadistic use of force to cause harm.” Defendants’ actions met this standard.
- e. Under [Joe v. Kershaw County Sheriff’s Office](#) (D.S.C. 2020), force must be objectively reasonable under the totality of circumstances. Defendants’ use of force was not objectively reasonable.
- f. Under S.C. Code Ann. § 23-23-85(A) (2025), South Carolina mandates an objective reasonableness standard for all use of force. Defendants violated this statute.
- g. The force used against Plaintiff was applied as punishment for filing grievances, not for legitimate security purposes, in violation of SCDC Policy OP-22.15 prohibiting force as punishment.

28. Mental Health Deterioration and Incapacity

- a. Prior to March 2018, Plaintiff was capable of understanding and pursuing his legal rights, managing his affairs, and communicating effectively.

- b. Following the onset of retaliatory conduct in March 2018, and particularly after the documented use of force in May 2018, Plaintiff's mental health began to deteriorate significantly.
- c. By mid-2018, Plaintiff experienced acute anxiety, panic attacks, severe depression, insomnia, dissociative episodes, and suicidal ideation, all documented through grievances and institutional records.
- d. The mental health deterioration was not merely coincidental but was directly caused by Defendants' retaliatory actions, excessive force, denial of mental health care, and inhumane conditions of confinement.
- e. Under [Richard R. Watkinson v. State of Alaska](#) (Alaska 2023), extended segregation and due process violations causing symptoms of "acute anxiety," "insomnia," "panic attacks," and "suicidal ideation" constitute "extreme and outrageous conduct."
- f. Under [Scarver v. Litscher](#) (W.D. Wis. 2005), conditions that "inflict a serious mental illness, greatly exacerbate mental illness, or deprive inmates of their sanity" constitute "psychological torture" violating the Eighth Amendment.
- g. Plaintiff's mental incapacity reached a level where he could not understand the nature and effects of legal proceedings, transact legal business, manage his own affairs, or effectively pursue his rights, satisfying the standard for equitable tolling under [Berman Justus, Jr. v. Harold Clarke](#) (4th Cir. 2023) ("profound mental incapacity" constitutes extraordinary circumstances).

29. Violation of SCDC Policies and State Law

- a. SCDC Policy OP-22.15 states that "force shall never be used as punishment or for the convenience of staff." Defendants violated this policy by using force against Plaintiff in retaliation for filing grievances.

- b. SCDC Policy OP-22.38 requires that any forced haircut or shave be documented as use of force with video recording. Defendants failed to comply with this policy when subjecting Plaintiff to forced grooming without documentation or justification.
- c. S.C. Code Ann. § 15-3-40 provides that the statute of limitations is tolled for persons under a disability, including those “insane” at the time the cause of action accrued. Under [Wiggins v. Edwards](#) (S.C. 1994), “insanity” for tolling purposes consists of “a mental condition which precludes understanding the nature or effects of one’s acts, an incapacity to manage one’s affairs, an inability to understand or protect one’s rights, because of an over-all inability to function in society.”
- d. Under [Ferguson v. State](#) (S.C. 2009), the statute of limitations should be tolled when an applicant demonstrates that failure to timely file was due to mental incompetency.
- e. Defendants violated S.C. Code Ann. § 23-23-85(A) (2025), which mandates that all use of force by correctional officers must be objectively reasonable and prohibits chokeholds unless deadly force is justified.
- f. Defendants violated S.C. Code Ann. § 23-23-150(c) (2025), which defines repeated use of excessive force as officer misconduct subjecting them to disciplinary action.

30. Deliberate Indifference and Causation

- a. Defendants had actual knowledge of Plaintiff’s grievances, as evidenced by the 16 documented grievance filings set forth in Paragraph 15.

- b. Defendants had actual or constructive knowledge of the retaliatory acts committed against Plaintiff, including use of force, transfers, and denial of necessities.
- c. Defendants failed to intervene to prevent ongoing retaliation despite having knowledge of the pattern and practice of retaliatory conduct.
- d. Under [Hayes v. Snyder](#) (7th Cir. 2008), deliberate indifference requires proof that officials knew of and disregarded an excessive risk to inmate health.
- e. Defendants were deliberately indifferent to Plaintiff's serious medical and mental health needs by failing to provide adequate treatment despite repeated requests through grievances.
- f. Defendants' deliberate indifference caused and exacerbated Plaintiff's mental health deterioration, rendering him incapable of prosecuting his claims during material periods.
- g. There is a direct causal link between Defendants' retaliatory conduct, their use of excessive force, their deliberate indifference to Plaintiff's mental health needs, and Plaintiff's current mental incapacity.

### 31. Newly Discovered Evidence

- a. Through FOIA Production 0101-25, Plaintiff has obtained records documenting specific grievance case numbers, dates, and institutional responses that were previously unavailable.
- b. This newly discovered evidence includes:
  - (1) Specific grievance case numbers: KCI-0241-0507-18, KCI-0241-0455-18, KCI-0241-0421-18, KCI-0241-0401-18, KCI-0241-0400-18, KCI-0241-0456-18, ACI-0411-0221-18, ACI-0411-0220-18, ACI-0411-

0191-18, ACI-0411-0175-18, ACI-0411-0164-18, ACI-0411-0156-18,  
ACI-0411-0137-18, ACI-0411-0138-18, and LEECI-0653-18;

- (2) Institutional Grievance Coordinator names associated with each grievance;
  - (3) Dates of filing and responses;
  - (4) Specific issues raised and requested remedies;
  - (5) Action taken reports, including incident reports.
- c. This evidence was not previously available to Plaintiff due to SCDC's failure to provide records, destruction of legal materials, and Plaintiff's mental incapacity.
- d. Under [Brooks v. Rozum](#) (E.D. Pa. 2022), Rule 60(b)(6) relief may be granted for newly discovered evidence that could not have been discovered in time to move for a new trial under Rule 60(b)(2).

### 32. Irreparable Harm and Need for Relief

- a. Plaintiff continues to suffer irreparable harm from ongoing retaliation at Kirkland Correctional Institution.
- b. Without injunctive relief, Plaintiff will continue to be denied adequate food, medical care, mental health treatment, and legal access.
- c. Without equitable tolling, Plaintiff will be barred from pursuing meritorious claims due to mental incapacity caused by Defendants' misconduct.
- d. Plaintiff's mental health continues to deteriorate without adequate treatment, creating a risk of suicide or further psychological injury.
- e. The balance of hardships favors granting injunctive relief, equitable tolling, and Rule 60(b)(6) relief to prevent ongoing constitutional violations and irreparable harm.

- f. Public interest favors protecting prisoners' First Amendment rights and ensuring access to courts for those incapacitated by mental health conditions caused by official misconduct.

#### IV. CAUSES OF ACTION

##### COUNT ONE: FIRST AMENDMENT RETALIATION

25. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 32 above.
26. Plaintiff engaged in constitutionally protected speech and petitioning activity by filing institutional grievances.
27. Defendants Leroy Cartledge, Joseph Stevens, James Tompkins, Jeremy McCary, Ronald Cook, Geoffrey Rice, Frank Musier, RN Vera Couner, and John Does 1-25, acting under color of state law, retaliated against Plaintiff for this protected activity.
28. The retaliation occurred after Plaintiff filed grievances and included adverse actions described above.
29. Defendants' actions chilled Plaintiff's exercise of his First Amendment rights.
30. Defendants' retaliatory actions violate Plaintiff's rights under the First Amendment to the United States Constitution and 42 U.S.C. § 1983.

##### COUNT TWO: EIGHTH AMENDMENT EXCESSIVE FORCE

31. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 30 above.
32. Defendants Leroy Cartledge, Joseph Stevens, James Tompkins, Jeremy McCary, Ronald Cook, Geoffrey Rice, Frank Musier, and John Does 1-25 subjected Plaintiff to excessive force, including physical abuse and assault.
33. Under [Hudson v. McMillian](#) (U.S. 1992), prison officials violate the Eighth Amendment when they "maliciously and sadistically use force to cause harm." The

Supreme Court established a two-part test: (1) objective prong - the alleged deprivation must be sufficiently serious, and (2) subjective prong - the defendant acted with a sufficiently culpable state of mind.

34. Defendants acted with deliberate indifference to Plaintiff's health and safety.
35. The force used was excessive, unnecessary, and applied gratuitously.
36. Under [Woody v. City of Isle of Palms](#) (D.S.C. 2023), the objective reasonableness standard requires courts to examine: (1) the severity of the crime at issue, (2) whether the suspect poses an immediate threat to safety, and (3) whether the suspect is actively resisting arrest or attempting to evade arrest by flight.
37. Under [Julian Betton v. David Belue](#) (4th Cir. 2019), the Fourth Circuit denied qualified immunity to South Carolina officers where force was objectively unreasonable.
38. Under *Estate of Armstrong v. Village of Pinehurst*, 946 F.3d 690 (4th Cir. 2019), the court established that taser deployment requires justification and is subject to objective reasonableness analysis.
39. Defendants' use of excessive force violates Plaintiff's rights under the Eighth Amendment to the United States Constitution and 42 U.S.C. § 1983.

#### COUNT THREE: FOURTH AMENDMENT EXCESSIVE FORCE

40. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 39 above.
41. Defendants Leroy Cartledge, Joseph Stevens, James Tompkins, Jeremy McCary, Ronald Cook, Geoffrey Rice, Frank Musier, and John Does 1-25 subjected Plaintiff to unreasonable seizures and excessive force.
42. Under *Graham v. Connor*, 490 U.S. 386 (1989), excessive force claims are analyzed under the Fourth Amendment's objective reasonableness standard.

43. Under [Joe v. Kershaw County Sheriff's Office](#) (D.S.C. 2020), the District of South Carolina applied the objective reasonableness standard to excessive force claims.
44. Under [Wingate v. Byrd](#) (D.S.C. 2016), the court examined the Graham factors including the severity of the crime and whether Plaintiff posed an immediate threat.
45. Under *Tennessee v. Garner*, 471 U.S. 1 (1985), deadly force is permissible only where the suspect threatens the officer with a weapon or there is probable cause to believe the suspect has committed a crime involving the infliction or threatened infliction of serious physical harm.
46. Under [Crosby v. Colleton County Sheriff's Office](#) (D.S.C. 2023), South Carolina federal courts examine whether officers' conduct was objectively reasonable under the totality of the circumstances.
47. Under [Strickland v. Oconee County Sheriff's Office](#) (D.S.C. 2021), the court applied the Graham factors to evaluate the reasonableness of force used.
48. Defendants' conduct was not objectively reasonable under the totality of the circumstances.
49. Defendants' use of excessive force violates Plaintiff's rights under the Fourth Amendment to the United States Constitution and 42 U.S.C. § 1983.

COUNT FOUR: EIGHTH AMENDMENT DELIBERATE INDIFFERENCE TO SERIOUS MEDICAL NEEDS

50. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 49 above.
51. Defendants Leroy Cartledge, Joseph Stevens, James Tompkins, Jeremy McCary, Ronald Cook, Geoffrey Rice, Frank Musier, RN Vera Couner, and John Does 1-25 acted with deliberate indifference to Plaintiff's serious medical needs.

52. Under *Estelle v. Gamble*, 429 U.S. 97 (1976), deliberate indifference to a prisoner's serious medical needs constitutes cruel and unusual punishment.
53. Under [Hayes v. Snyder](#), 546 F.3d 516 (7th Cir. 2008), deliberate indifference contains both an objective and subjective component. To satisfy the objective component, a prisoner must demonstrate that his medical condition is "objectively, sufficiently serious." To satisfy the subjective component, a prisoner must demonstrate that prison officials acted with a "sufficiently culpable state of mind." The officials must know of and disregard an excessive risk to inmate health.
54. Under [Hayes v. Zatecky](#) (S.D. Ind. 2023), deliberate indifference requires more than negligence; the plaintiff must provide evidence that an official actually knew of and disregarded a substantial risk of harm.
55. Plaintiff suffered serious medical needs that Defendants intentionally disregarded.
56. Defendants' failure to provide adequate medical care violates Plaintiff's rights under the Eighth Amendment to the United States Constitution and 42 U.S.C. § 1983.

#### COUNT FIVE: FIRST AMENDMENT INTERFERENCE WITH LEGAL MAIL

57. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 56 above.
58. Defendants Leroy Cartledge, Joseph Stevens, James Tompkins, Jeremy McCary, Ronald Cook, Geoffrey Rice, Frank Musier, and John Does 1-25 interfered with Plaintiff's outgoing and incoming legal mail.
59. Under [Gayler v. High Desert State Prison](#) (D. Nev. 2021), prisoners have a First Amendment right to send and receive legal mail.
60. Under [Williams v. Osborn Medical Dept.](#) (D. Conn. 2021), retaliation claims require showing: (1) constitutionally protected activity, (2) adverse action, and (3) causal connection.

61. Defendants' interference with legal mail was retaliatory and violated Plaintiff's First Amendment rights.

COUNT SIX: RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT  
(RLUIPA) / FIRST AMENDMENT FREE EXERCISE

62. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 61 above.

63. Defendants Leroy Cartledge, Joseph Stevens, James Tompkins, Jeremy McCary, Ronald Cook, Geoffrey Rice, Frank Musier, and John Does 1-25 interfered with Plaintiff's religious exercise and destroyed religious materials including the Holy Quran.

64. Under *Zedner v. United States*, 547 U.S. 489 (2006), federal courts must protect religious exercise rights of incarcerated persons.

65. Defendants' actions substantially burden Plaintiff's religious exercise.

66. Defendants failed to demonstrate that their actions served a compelling governmental interest by the least restrictive means.

67. Defendants' actions violate Plaintiff's rights under the First Amendment Free Exercise Clause, RLUIPA, and 42 U.S.C. § 1983.

COUNT SEVEN: EIGHTH AMENDMENT DELIBERATE INDIFFERENCE TO  
SERIOUS MENTAL HEALTH NEEDS

68. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 67 above.

69. Defendants Leroy Cartledge, Joseph Stevens, James Tompkins, Jeremy McCary, Ronald Cook, Geoffrey Rice, Frank Musier, RN Vera Couter, and John Does 1-25 acted with deliberate indifference to Plaintiff's serious mental health needs.

70. Under [Scarver v. Litscher](#) (W.D. Wis. 2005), “The Eighth Amendment protects inmates’ mental health as well as their physical health... if the particular conditions of [confinement] being challenged are such that they inflict a serious mental illness, greatly exacerbate mental illness, or deprive inmates of their sanity, then defendants have deprived inmates of a basic necessity of human existence.”
71. Under [Brown v. Correction](#) (D. Conn. 2021), “A deliberate indifference claim under the Eighth Amendment has two requirements. First, the prisoner must allege that he was subject to an objectively serious risk of harm or serious medical need... Second, the prisoner must allege that a defendant prison official acted not merely carelessly or negligently but with a subjectively reckless state of mind akin to criminal recklessness.”
72. Under [Jerardo Rodriguez v. Patricia Lilienthal](#) (9th Cir. 1993), “Prisoners can establish an eighth amendment violation with respect to medical care if they can prove there has been deliberate indifference to their serious medical needs... In order to show deliberate indifference, an inmate must allege sufficient facts to indicate that prison officials acted with a culpable state of mind.”
73. Under [Zamichieli v. Ficks](#) (M.D. Pa. 2023), “In order to establish an Eighth Amendment medical claim, an inmate must allege acts or omissions by prison officials sufficiently harmful to evidence deliberate indifference to a serious medical need.”
74. Plaintiff’s mental health needs were objectively serious, including documented symptoms of acute anxiety, depression, suicidal ideation, and post-traumatic stress.
75. Defendants had actual or constructive knowledge of Plaintiff’s serious mental health needs through:
  - a. Grievances filed regarding mental health care;

- b. Direct observation of Plaintiff's mental state;
  - c. Medical and mental health records;
  - d. Reports from other inmates;
  - e. Behavioral incidents indicating mental distress.
76. Defendants intentionally disregarded Plaintiff's mental health needs, failed to provide adequate mental health treatment, and subjected Plaintiff to conditions that exacerbated his mental illness.
77. Defendants' deliberate indifference to Plaintiff's serious mental health needs violates Plaintiff's rights under the Eighth Amendment to the United States Constitution and 42 U.S.C. § 1983.

#### V. RULE 60(b)(6) RELIEF FROM FINAL JUDGMENT AND EQUITABLE TOLLING FOR MENTAL INCAPACITY

##### A. Introduction

78. Plaintiff, alternatively and in addition to his claims for relief from retaliation, moves this Honorable Court for:
- (1) Relief from any final judgment, order, or proceeding pursuant to Federal Rule of Civil Procedure 60(b)(6) based on extraordinary circumstances;
  - (2) Equitable tolling of the statute of limitations based on mental incapacity; and
  - (3) A pause in proceedings due to mental health toll and incapacity.
79. Under [Berman Justus, Jr. v. Harold Clarke](#) (4th Cir. 2023), a prisoner's mental illness can constitute "extraordinary circumstances" warranting relief under Rule 60(b)(6) and equitable tolling of the statute of limitations. The Fourth Circuit held that the petitioner was "entitled to an evidentiary hearing on whether his mental illness during the relevant period entitled him to relief under Rule 60(b)(6) and equitable tolling."

80. Under *Holland v. Florida*, 560 U.S. 631 (2010), equitable tolling requires a petitioner to demonstrate: (1) that he has been pursuing his rights diligently, and (2) that some extraordinary circumstance stood in his way and prevented timely filing.

B. Grounds for Equitable Tolling and Rule 60(b)(6) Relief

81. Plaintiff seeks equitable tolling and Rule 60(b)(6) relief based on the following:

- a. **MENTAL INCAPACITY:** Plaintiff's severe and debilitating mental health condition rendered him incapable of understanding the nature of legal proceedings, transacting legal business, or managing his own affairs during material periods. See *JAAPL, Mental Capacity and Tolling the Statute of Limitations* (defining incapacity as inability to "care for property, or transact business or understand the nature or effects of her acts").
- b. **EXTRAORDINARY CIRCUMSTANCES:** The combination of severe mental illness, continuous retaliation, excessive force, denial of mental health care, and inhumane conditions constitutes "extraordinary circumstances" beyond Plaintiff's control.
- c. **DILIGENT PURSUIT OF RIGHTS:** Despite his mental health impairment, Plaintiff made reasonable efforts to pursue his rights through available channels, including filing grievances and requesting mental health treatment.
- d. **NEWLY DISCOVERED EVIDENCE:** Through FOIA Production 0101-25, Plaintiff has obtained specific grievance case numbers and documentation previously unavailable.
- e. **FRAUD, MISREPRESENTATION, AND MISCONDUCT:** SCDC officials concealed the extent of retaliatory conduct and denied access to records.
- f. **INABILITY TO PRESENT EVIDENCE:** Mental incapacity and destruction of legal materials prevented adequate presentation of claims.

### C. Legal Standard for Equitable Tolling

82. Under *Holland v. Florida*, 560 U.S. 631 (2010), equitable tolling is available when a petitioner demonstrates: (1) diligent pursuit of rights, and (2) extraordinary circumstances preventing timely filing.
83. Under [Berman Justus, Jr. v. Harold Clarke](#) (4th Cir. 2023), “profound mental incapacity” can constitute extraordinary circumstances warranting equitable tolling in the Fourth Circuit.
84. Under [PAGAN v. CITY OF CHESTER](#) (E.D. Pa. 2023), deliberate indifference to mental health needs can state a plausible claim for relief where officials deny access to mental health care.
85. Mental incapacity tolling requires showing that the impairment “precluded the prisoner from effectively asserting his legal rights.” See *Fisher v. Johnson*, 174 F.3d 710 (5th Cir. 1999).

### D. Legal Standard for Rule 60(b)(6) Relief

86. Under [Brooks v. Rozum](#) (E.D. Pa. 2022), “Rule 60(b)(6) is a catch-all provision that enables a court to vacate a judgment in situations not addressed by the other five provisions of Rule 60(b)... Relief under Rule 60(b)(6) may only be granted under extraordinary circumstances where, without such relief, an extreme and unexpected hardship would occur.”
87. Under [Dixon v. Director of Department of Corrections](#) (E.D. Va. 2021), “Rule 60(b) allows a court to ‘relieve a party... from a final judgment, order, or proceeding.’ It is an extraordinary remedy requiring a showing of exceptional circumstances.”
88. Under *Fox v. Health Force, Inc.*, 143 N.C. App. 501 (2001), Rule 60(b)(6) relief was granted where an incompetent plaintiff was unable to prosecute the action due to mental incapacity.

89. Pursuant to [Citizant, Inc. v. United States](#) (Fed. Cl. 2021), a movant must demonstrate “both injury and circumstances beyond his control that prevented him from proceeding with the prosecution or defense of the action in a proper fashion.”
90. Under [Grizzle v. Davis-Director TDCJ-CID](#) (N.D. Tex. 2019), allegations of destroyed legal materials and inability to gather information can constitute extraordinary circumstances.
91. Pursuant to [U.S. Bank National Association v. Beck](#) (E.D. Mo. 2022), relief is available “only where exceptional circumstances prevented the moving party from seeking redress through the usual channels.”

#### E. Plaintiff Meets the Standards

92. Plaintiff has demonstrated diligent pursuit of his rights despite severe mental health impairment, including:
  - a. Filing grievances despite retaliation;
  - b. Requesting mental health treatment;
  - c. Attempting to access legal materials;
  - d. Making reasonable efforts to communicate with legal resources.
93. Extraordinary circumstances prevented timely filing, including:
  - a. Severe mental illness including depression, anxiety, and suicidal ideation;
  - b. Incapacity to understand legal proceedings or manage legal affairs;
  - c. Continuous retaliation and transfers preventing case preparation;
  - d. Denial of mental health care exacerbating incapacity;
  - e. Destruction of legal materials.
94. Plaintiff’s mental incapacity was sufficiently severe to preclude effective assertion of legal rights during material periods.

#### F. Request for Pause in Proceedings

95. Plaintiff respectfully requests that this Honorable Court pause proceedings or stay deadlines pending resolution of his mental health condition because:
- a. Current mental health status impairs ability to participate in litigation;
  - b. Additional time will allow for mental health treatment and stabilization;
  - c. Fairness and justice require accommodation of mental health disabilities;
  - d. Under the ADA and Rehabilitation Act, reasonable accommodation includes procedural adjustments for mental health conditions.

#### VI. CAUSAL CONNECTION

96. Plaintiff establishes the causal connection between protected activity and adverse actions through:
- a. TEMPORAL PROXIMITY: The adverse actions occurred immediately following the filing of protected grievances;
  - b. PATTERN AND PRACTICE: A documented pattern of retaliation across multiple institutions;
  - c. RETALIATORY MOTIVE: Statements by staff indicating retaliatory intent;
  - d. DEVIATION FROM POLICY: Actions inconsistent with standard SCDC procedures;
  - e. CAUSAL LINK TO MENTAL HEALTH DETERIORATION: The continuous retaliation and excessive force directly caused Plaintiff's mental health decline and incapacity.
97. Under [Constantine v. Rectors of George Mason Univ.](#) (4th Cir. 2005), the three-prong test for First Amendment retaliation claims requires: (1) constitutionally protected activity, (2) adverse action, and (3) a causal connection between the protected activity and the adverse action.

98. Under [Suarez Corp. Indus. v. McGraw](#) (4th Cir. 2000), “the First Amendment right of free speech includes not only the affirmative right to speak, but also the right to be free from retaliation by a public official for the exercise of that right.”

## VII. STATE LAW VIOLATIONS

99. Defendants violated South Carolina law including:

- a. S.C. Code Ann. § 23-23-85(A) (2025): Mandatory objective reasonableness standard for use of force; prohibition on chokeholds unless deadly force justified.
- b. S.C. Code Ann. § 23-23-150(c) (2025): Repeated use of excessive force constitutes officer misconduct.
- c. S.C. Code Ann. § 23-1-250(D)(2): Definition of law enforcement officer includes SCDC correctional officers.
- d. [State v. Williams](#) (S.C. Ct. App. 2005): Individual’s right to defend against excessive force during arrest.

100. Defendants violated SCDC Policies:

- a. SCDC Policy OP-22.15: Force limited to self-defense and protection, never to be used as punishment;
- b. SCDC Policy OP-22.38: Forced haircuts/shaves constitute use of force requiring videotaping;
- c. SCDC Policy GA-01.12: Prohibition on retaliation for filing grievances;
- d. SCDC Policy on Mental Health Services: Requirement to provide adequate mental health care.

## VIII. REQUEST FOR DISCOVERY

101. Plaintiff requests the following discovery under Federal Rule of Civil Procedure 34:

- a. All grievance records for case numbers listed above;
- b. All use of force reports and incident investigations involving Defendants Leroy Cartledge, Joseph Stevens, James Tompkins, Jeremy McCary, Ronald Cook, Geoffrey Rice, Frank Musier, and RN Vera Couner;
- c. All disciplinary records and DHO hearing reports;
- d. All classification and housing records;
- e. All video and audio recordings of incidents;
- f. All SCDC Policy GA-01.12 implementation records;
- g. All medical and mental health records;
- h. All personnel files of named Defendants;
- i. All training records for named Defendants;
- j. All internal communications regarding Plaintiff;
- k. All mental health evaluations and treatment records;

l. All records of Plaintiff's placement in segregation or restrictive housing;

m. All documentation regarding Plaintiff's mental health status and capacity.

#### IX. RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests that this Honorable Court:

A. PRIMARY RELIEF - RETALIATION AND MENTAL HEALTH CLAIMS: 1. Enter judgment for Plaintiff on Counts One through Seven; 2. Issue a permanent injunction prohibiting Defendants Leroy Cartledge, Joseph Stevens, James Tompkins, Jeremy McCary, Ronald Cook, Geoffrey Rice, Frank Musier, RN Vera Couner, and John Does 1-25 from retaliating against Plaintiff; 3. Order Defendants to provide adequate food, medical care, and mental health services; 4. Order Defendants to cease interference with legal mail; 5. Order Defendants to restore religious materials and accommodations; 6. Award compensatory damages for physical and emotional injuries; 7. Award punitive damages against individual Defendants Leroy Cartledge, Joseph Stevens, James Tompkins, Jeremy McCary, Ronald Cook, Geoffrey Rice, Frank Musier, and RN Vera Couner; 8. Award attorneys' fees and costs; 9. Grant such other relief as the Court deems just and proper.

B. ALTERNATIVE RELIEF - RULE 60(b)(6), EQUITABLE TOLLING, AND PAUSE IN PROCEEDINGS: 1. Vacate any prior final judgment, order, or proceeding; 2. Grant equitable tolling of the statute of limitations based on mental incapacity under S.C. Code Ann. § 15-3-40, [Ferguson v. State](#) (S.C. 2009), and [Wiggins v. Edwards](#) (S.C. 1994); 3. Pause or stay proceedings pending resolution of Plaintiff's mental health condition; 4. Extend all filing deadlines to accommodate mental health disability; 5. Permit amendment of the complaint to include newly discovered claims and evidence; 6. Permit discovery on all retaliatory conduct, use of force incidents, and mental health records; 7. Schedule an evidentiary hearing on the

Rule 60(b)(6) motion, equitable tolling, and mental incapacity; 8. Order mental health evaluation and treatment for Plaintiff; 9. Grant such other relief as the Court deems just and proper.

X. CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Combined Motion for Relief from Retaliation and Rule 60(b)(6) Relief has been served upon Defendants Leroy Cartledge, Joseph Stevens, James Tompkins, Jeremy McCary, Ronald Cook, Geoffrey Rice, Frank Musier, and RN Vera Couner by placing a copy in the U.S. Mail, postage prepaid, addressed to:

[Defense Counsel Name] [Defense Counsel Address] [Columbia, South Carolina 292\_\_]

This [ ] day of \_\_\_\_\_, 2026.

---

Bryantavious Murray, Pro Se SCDC # [NUMBER] Kirkland Correctional Institution 4344  
Broad River Road Columbia, South Carolina 29210

XI. VERIFICATION

I, Bryantavious Murray, declare under penalty of perjury that the foregoing is true and correct.

This [ ] day of \_\_\_\_\_, 2026.

---

Bryantavious Murray

[Attach as Exhibit A: Grievance Case Number Index] [Attach as Exhibit B: FOIA Production 0101-25 Records] [Attach as Exhibit C: Supporting Declarations Regarding Mental Health]

[Attach as Exhibit D: Mental Health Records (if available)]